

United States District Court

APR 15 2019

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Francisco Desiderio Garza PRINCIPAL
YOB: 1995

United States

Case Number:

M-19-0852-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 14, 2019 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Alicia Peña-Ortiz and Selene Ortiz-Barajas, both citizens of Mexico, along with three (3) other undocumented aliens, for a total of five (5), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Garceno, Texas to the point of arrest near Garceno, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 14, 2019, camera operators observed several suspected undocumented aliens cross the Rio Grande River and board a vehicle near Garceno, Texas.

Camera operators maintained visual of the vehicle as the information was relayed to mobile Agents. A short time later, Agents encountered a grey Dodge pickup truck, which was the vehicle being called out by camera operators, as it stopped at a red light at the intersection of Highway 83 and FM 649 in Garceno, Texas.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

approved by Scott V. GreenBAhn AUSA
Scott V. GreenBAhn 4/15/19

☒ Yes ☐ No

Signature of Complainant

Julio C. Peña Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

April 15, 2019
Date

10:35 am

at McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19- 0852-M

RE: Francisco Desiderio Garza

CONTINUATION:

Agents proceeded to get behind the pickup truck, however the driver made an abrupt right turn on an unpaved road in an attempt to evade. When Agents caught up to the pickup truck, it was already stationary due to striking a wire fence and a tree. Agents observed four subjects abscond and camera operators informed the mobile Agents that a one subject run south towards the river.

Additional Agents responded and after a brief search, all five subjects were apprehended. An additional subject was found inside sitting on the passenger seat. An immigration inspection was conducted and five of six subjects were determine to be illegally present in the United States.

One subject later identified as Francisco Desiderio Garza, a United States Citizen, was asked if he had any property on his person, to which Garza stated he had two cell phones that he left behind in the pickup truck. A search of the pickup truck revealed two cell phones on the driver's side floor board. Garza claimed both phones belonged to him.

All subjects were transported to the Rio Grande City Border Patrol Station to be processed accordingly.

PRINCIPAL STATEMENT:

Francisco Desiderio Garza was read his Miranda Rights. He understood, however he refused to provide a sworn statement.

MATERIAL WITNESSES STATEMENTS:

Alicia Peña-Ortiz and Selena Ortiz-Barajas, both citizens and nationals of Mexico, were advised of their Miranda rights and agreed to provide a sworn statement without the presence of an attorney.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-0852-M

RE: Francisco Desiderio Garza

CONTINUATION:

Peña stated that she crossed the river on a raft along with three (3) other subjects. Peña stated that after crossing the river, their group met up with two (2) other subjects before making their way to a road where they were picked up by a male subject in a pickup truck. Peña also stated that once in the truck, she became frightened after the driver began to drive at a fast pace. Peña stated that there were three (3) subjects inside the truck, and another two (2) in the bed of the truck, all of which were not wearing seatbelts.

Through a photo lineup, Peña was able to positively identify the driver of the pickup truck. *Garza as JCP*

Ortiz stated that she crossed the river on a raft along with two (2) other subjects. Ortiz stated that the group was to be picked up by a male subject in a truck. Upon arriving at the truck, Ortiz stated that she boarded the truck and sat in the front area of the truck. Ortiz stated that there were five (5) subjects in the truck all of which were not wearing seatbelts. Ortiz stated that after boarding the truck, the driver drove off at a fast pace and eventually crashed. Ortiz stated that after crashing into a tree, the driver exited the truck and took off.

Through a photo lineup, Ortiz was able to positively identify the driver of the pickup truck. *Garza as JCP*